

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl.No. 6428 of 2007()

CRIME NO.333/06 OF NADAKKAVU POLICE STATION

PETITIONER

C.ABDUL SATHAR, S/O MOHAMMED KUNHI,
DEEJUS FLAT NO.B, CHULLIYODE ROAD,
CIVIL STATION, KOZHIKODE 673020.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.MANJERI SUBIN SUNDER RAJ

RESPONDENTS:

STATE OF KERALA, REP. BY THE
STATION HOUSE OFFICER, NADAKKAVU POLICE STATION,
KOZHIKODE.(CRIME NO.333 OF 2006) REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A.No. 6428 of 2007

Dated this the 23rd day of October, 2007

ORDER

Application for anticipatory bail. Petitioner is the first accused. He, along with his son, faces allegations under Section 306 I.P.C. The deceased was allegedly in love with the son of the petitioner. The petitioner herein did not approve the relationship between his son and the deceased. He abetted the son not to marry the deceased. This is the conduct which is alleged against him. It is alleged that he has thereby abetted commission of suicide by the deceased.

2. The learned counsel for the petitioner submits that even if the entire allegations were accepted, the petitioner cannot be imputed with culpable liability for the suicide committed by the deceased. The petitioner, even allegedly, only tried to counsel his son and not approve the marriage of the son with the deceased. In these circumstances anticipatory bail may be granted to the petitioner, it is prayed.

3. The learned Prosecutor does not oppose the application and I am satisfied in the facts and circumstances, to which I have

made a brief reference, that the petitioner is entitled for issue of directions under Section 438 Cr.P.C.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 30.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 31.10.07, and 1.11.2007 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 30.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 30.10.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 30.10.2007.

(R. BASANT)
Judge

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